

IN RE WINSTON B. CLAY,)
)
 Petitioner,)
)
) Case No. 4:11MC712 RWS
)

Petitioner Winston Clay has filed several documents with this Court apparently seeking a ruling that he has relinquished his United States citizenship. Clay’s filing consists solely of forms from the United States Department of State’s Bureau of Consumer Affairs. I note that on several forms where a signature of a “Consular Officer” is required, Clay has crossed out these sections and substituted notary public information.

The proper procedure to voluntarily relinquish United States citizenship is provided by the Immigration and Nationality Act, 8 U.S.C. § 1481(a). In the documents submitted by Clay, he asserts that he is renouncing his citizenship under § 1481(a)(5). That section states that a citizen can “lose his nationality” by voluntarily “making a formal renunciation of nationality before a diplomatic or consular officer of the United States *in a foreign state*, in such form as may be prescribed by the Secretary of State” (emphasis added).

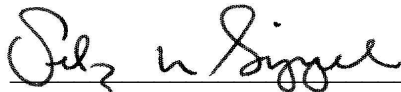
None of the documents filed by Clay are signed by a diplomatic or consular officer in the spaces provided for such signatures. Nor is there any evidence that Clay made his renunciation

“in a foreign state” as required by this section of the statute. Moreover, Clay has not offered any reason why he filed his papers with this Court. Nothing in the statute authorizes the United States Courts to declare a person has renounced his citizenship based upon the submission of Bureau of Consular Affairs forms. Under the Immigration and Nationality Act Clay must seek a renunciation of his citizenship from the United States Secretary of State.

According,

IT IS HEREBY ORDERED that Petitioner Winston Clay’s motion for renunciation of Unites States citizenship [#1] is **DENIED**.

IT IS FURTHER ORDERED that this case is **DISMISSED** without prejudice.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 14th day of December, 2011.